IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER,

TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No. 36238 of 1998

Between:

a. Devadass, S/o. Late. Hanmanthu,

R/o. Garshakurthy Mandal, Gangadhara, Karimnagar District.

….. PETITIONER

AND

1. The Management, APSRTC, Musheerabad, Hyderabad. Rep. By Managing Director,
2. The Director of Vigilance, APSRTC, Musheerabad, Hyderabad.
3. The Regional Manager, APSRTC, Karimnagar.
4. The Divisional Manager, APSRTC, Adilabad.

…. RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or direction particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in rejecting the petitioner's case vide

Proceedings dated 15-2-1994 and not considering his case on par with the candidate whose candidature was considered vide Proceedings.No.G1/502(9)/88-RM-KRMR, dated 4-2-1988 and J1/331(1)/90-SO/KR, dated 15-5-1990 as arbitrary, discriminatory, unjust, in violation of Articles-14, 16 and 21 of the Constitution of India and consequently direct the Respondents to absorb the petitioner in the category of Security Guard, under the displaced category.

Counsel for the Petition: V. Narsimha Goud

Counsel for Respondents: Smt. G. Jyothi Kiran

Court made the following order:

ORDER:

This writ petition is filed for issuance of a writ of Mandamus declaring the action of the third respondent in rejecting the candidature of the petitioner vide proceedings dated 15-2-1994 for absorption into the service of the APSRTC, as a displaced employee on par with the other candidates, who were considered vide proceedings dated 4-2-1988 and 15-5-1990 by the third respondent, as arbitrary and illegal and for a consequential direction to the fourth respondent to absorb him in the category of security guard.

According to the petitioner, he worked with one D. Narasimha Goud, as Watchman in his garage at Sirpur Khagaznagar. The said Narasimha Goud was having seven vehicles. The routes on which the said seven vehicles were being operated were nationalized by the Government with effect from 29-2-1991 and as such the petitioner became unemployed and displaced along with others. Though the conductors and drivers, who were displaced along with him, were absorbed into the service by the respondents, the case of the petitioner was not considered by them. The petitioner made several representations along with the letter of the owner of the bus, but in vain. However, the respondent by impugned order dated 15-2-1994 rejected the case of the petitioner, which is arbitrary and illegal.

Though no counter affidavit is filed, learned counsel for the respondents strenuously argued that the writ petition itself is not maintainable for more than one reason. Firstly, the nationalization of routes in question was done in the year 1991, and request of the petitioner were rejected on 15-3-1994 and the present writ petition was filed on 28-12-1998 i.e., more than five years after passing of the impugned orders. Apart from that the scheme of absorption of the displaced employees has been dispensed with. The persons who were required to be absorbed were absorbed and there is no scope for the petitioner to be absorbed as security guard, as claimed by him. Therefore, the case of the petitioner has to be rejected. Secondly, the petitioner is not entitled for appointment as security guard as per the circular instructions and thirdly, the very scheme is scraped. Therefore, the question of considering the case of the petitioner for absorption does not arise.

In view of the same, the writ petition is devoid of merits and is liable to be

dismissed both on the ground of merits as well as irretrievable laches on the part of the petitioner.

Accordingly, the Writ Petition is dismissed. No costs.

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C.V. Ramulu, J.

11th November, 2004

Js

To

1. The Management, APSRTC, Musheerabad, Hyderabad. Rep. By Managing Director,
2. The Director of Vigilance, APSRTC, Musheerabad, Hyderabad.
3. The Regional Manager, APSRTC, Karimnagar.
4. The Divisional Manager, APSRTC, Adilabad.
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